

# STATE OF NEW YORK

7388

2023-2024 Regular Sessions

## IN SENATE

May 22, 2023

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to permissible activities for athletic associations, conferences, or other groups or organizations with authority over intercollegiate athletics and the definition of student-athlete

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 6438-a of the education law, as added by chapter  
2 622 of the laws of 2022, is renumbered section 6438-c.

3 § 2. Paragraph (a) of subdivision 1 of section 6438-c of the education  
4 law, as added by chapter 622 of the laws of 2022 and such section as  
5 renumbered by section 1 of this act, is amended to read as follows:

6 (a) "student-athlete" shall mean (i) a student enrolled at a college  
7 and participating in intercollegiate athletics, or (ii) an individual  
8 who has completed at least their freshman year of high school or inter-  
9 national equivalent and is eligible, or may in the future be eligible,  
10 to attend a college and participate in intercollegiate athletics. Such  
11 term shall not include an individual permanently ineligible to partic-  
12 ipate in a particular interscholastic or intercollegiate sport; and

13 § 3. Paragraph (c) of subdivision 2 of section 6438-c of the education  
14 law, as added by chapter 622 of the laws of 2022 and such section as  
15 renumbered by section 1 of this act, is amended and a new paragraph (d)  
16 is added to read as follows:

17 (c) An athletic association, conference, or other group or organiza-  
18 tion with authority over intercollegiate athletics, including, but not  
19 limited to, the [~~National Collegiate Athletic Association (NCAA)~~ NCAA,  
20 shall not prevent a college from [~~participating in intercollegiate~~  
21 ~~athletics as a result of allowing a student-athlete pursuant to this~~  
22 ~~section from earning compensation as a result of the use of the student-~~  
23 ~~athlete's name, image, or likeness~~ identifying, facilitating, enabling,

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 or supporting opportunities for a student-athlete to earn compensation  
2 for the student-athlete's name, image, or likeness activities.

3 (d) An athletic association, conference, or other group or organiza-  
4 tion with authority over intercollegiate athletics, including, but not  
5 limited to the NCAA, shall not, and shall not authorize its member  
6 institutions to:

7 (i) prevent a college from participation in intercollegiate athletics  
8 because a student-athlete in attendance has previously earned or intends  
9 to earn compensation for the use of his or her name, image, or likeness  
10 activities;

11 (ii) entertain a complaint, open an investigation, or take any other  
12 adverse action against a college for engaging in any activity protected  
13 in this section or for involvement in a student-athlete's name, image,  
14 or likeness activities; or

15 (iii) penalize or prevent a college from participation in intercolle-  
16 giate athletics because an individual or entity whose purpose includes  
17 supporting or benefitting the college or its athletic programs or  
18 student-athletes violates the collegiate athletic association's rules or  
19 regulations with regard to a student-athlete's name, image, or likeness  
20 activities.

21 § 4. This act shall take effect immediately.